IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Tr.P(C).No. 77 of 2006()

OP.913/2005 of FAMILY COURT,ERNAKULAM

.....

PETITIONER

DINESH KUMAR,AGED 38,
S/O.BHASKARA MENON,
KONERI HOUSE,
POTTAYIL LANE,
POOTHOLE,THRISSUR-4.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT:

PRIYA,D/O.KARUNAKARAN,
G1 PENTARK APARTMENTS,NEAR TO CO-OP.COLLEGE,
KALLINGAL LANE,THRISSUR,NOW IN THE ADDRESS
"WELLOGIC M E."(ORACLE),POST BOX NO.502252,
DUBAI INTERNET CITY,BUILDING NO.12,OFFICE NO.318,
DUBAI,U.A.E.

BY ADV. SMT.SHOBA ANNAMMA EAPEN

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

HARUN-UL-RASHID, J.

Tr.P. (C) No.77 of 2006

Dated: September 10, 2007

ORDER

The petitioner before this court is the petitioner before the Family Court, Thrissur in a petition for restitution of conjugal rights. The respondent is his wife. The marriage between the petitioner and the respondent was solemnized on 28.3.1998 at Thrissur. Both the parties are permanent residents of Thrissur District. After the marriage the parties resided together at the residence of the husband. The respondent/wife filed O.P.No.913/2005 before the Family Court, Ernakulam seeking a decree for divorce. According to the petitioner/husband, the divorce petition was filed before the Family Court, Ernakulam only to harass him by putting her fictitious address at Ernakulam. According to the petitioner/husband, since the petition filed by him for restitution of conjugal rights is pending before the Family Court, Thrissur, that the parties are permanent residents of Thrissur and that the marriage between the parties was solemnized at Thrissur, it is in the interests of justice for both sides that both the matters shall be tried by one court and the proper court to try these two matters is the Family Court, Thrissur. The learned counsel for the petitioner also submitted that in order to avoid conflicting findings on issues common to both sides, it is desirable that both matters shall be tried by one court. In the facts and circumstances of the case, I find that the request made on behalf of the petitioner is reasonable and in the interests of justice it has to be allowed.

Accordingly I order transfer of O.P.No.913/2005 pending before the Family Court, Ernakulam to the Family Court, Thrissur to be tried along with the petition pending before that court (number not furnished) for restitution of conjugal rights.

HARUN-UL-RASHID
JUDGE

mt/-